IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 273 (SS) OF 2006

Km. Roopa Joshi,
D/o late Sri Ram Kishan Joshi,
R/o Village – Kaniya, Tehsil Ramnagar.
District – Nainital. .....Petitioner.

Versus

1. Joint Director of Education, Nainital, District Nainital.
2. District Education Officer, Nainital, District-Nainital.
3. Committee of Management, Gomti Puram Prasad (G.P.P.) Arya Kanya Intermediate College, Ramnager, District-Nainital, through its Manager.
4. Principal, Gomti Puran Prasad (G.P.P.) Arya Kanya Intermediate College, Ramnager, District-Nainital.

.....Respondents.

Sri Manoj Tiwari, Advocate for the petitioner.
Learned Standing Counsel for the State.

Dated: 03.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of mandamus commanding the respondents to consider petitioner's claim for regularization against available vacancies on the post of Assistant Teacher, L.T. Grade (Sanskrit).

2. Brief facts giving rise to the present writ petition are that the petitioner is a post graduate in Hindi from Kumaun University and she passed B.A. examination inter alia with Sanskrit subject. The other subjects in which petitioner passed B.A. Examination are Hindi (Literature), Political and Sociology. The petitioner also possesses Teachers Training

qualification as she has been awarded B.Ed. degree by Bhartiya Shiksha Parishad, U.P.

3. According to the case of the petitioner, she was appointed as Assistant Teacher in Gomti Puran Prasad (G.P.P.) Arya Kanya Intermediate College, Ramnagar w.e.f. 04.10.1999. The said appointment was made by the Parent Teacher Association of the Institution as the sanctioned posts of teacher were lying vacant and shortage of teachers was adversely affecting function of the institution.

4. The grievance of the petitioner is that she is continuously serving as P.T.A. teacher in the aforesaid institution for last seven years, but she is not being paid regular salary as is being given to other similarly situated P.T.A. Teachers in other college in the same district.

5. In a similar case in Writ Petition No. 2022/2005 (ss) Suresh Singh and others Vs. State of Uttaranchal and others on 23.12.2005 following interim order has been passed:-

"Heard Sri Tumul Nailwal, learned counsel fv;or the petitioner and learned Standing Counsel.

Admit.

Learned standing counsel prays for and is granted three week's time of file counter affidavit.

List thereafter.

However, the respondents are directed to consider to pay regular salary to the petitioner as is being given to other similarly situated P.T.A. Teachers in other college in the same District. If the petitioner has filed any representation that shall be disposed of by the Authorities concerned within a period of three weeks from the date of production of the certified copy of the order.

In the meantime, petitioner shall not be discontinued from the post on which he is working."

6. In view of the aforesaid interim order, the writ petition is disposed of with the direction that if such a representation is filed by the petitioner within a period of ten days from the date of presentation of the certified copy of the order, the same shall be disposed of by the respondents within a period of six weeks thereafter. Till the disposal of the representation filed by the petitioner, the petitioner shall continue to work.

7. Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

03.03.2006
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